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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,468	03/07/2001	Luz Maria Camacho	010942 0269936	4973

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Pillsbury Winthrop LLP  
Intellectual Property Department  
1600 Tysons Boulevard  
McLean, VA 22102

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/801,468

**Applicant(s)**

CAMACHO ET AL.

**Examiner**

Christopher J Brown

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1, 2-6, 17-25, 36-41, 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilchrist US 6,167,517.**

As per claims 1, 20 and 39, Gilchrist teaches a security system that receives a message indicating a request for access to resources, (Col 5 lines 57-62). Gilchrist teaches that the authentication system obtains an indicia of physical identification from the user, (Col 5 lines 30-36). Gilchrist teaches the obtained indicia is compared with a previously stored indicia and approving the request if the indicia match, (Col 5 line 62 to Col 6 line 15, Col 6 lines 35-42).

As per claims 2-5, 19, 21-24 38, 40, and 41, Gilchrist teaches stored policies indicating whether authentication is required or not for access to different servers, (Col 4 lines 10-19).

As per claims 6, and 25 Gilchrist teaches determining whether a user is listed as being completely denied access, and denying said access, (Col 4 lines 40-50).

As per claims 17, 18, 36, 37, and 45, Gilchrist teaches that the indicia is a biometric sample, (Col 5 lines 30-36).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 8, 26, 27, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6167,517 in view of Baulier US 6,163,604.**

As per claims 7, 8, 26, 27, 42, and 43, Gilchrist does not teach determining fraudulent behavior.

Baulier teaches detecting fraud based on a collision or velocity violation, (Col 6 lines 50-67). It would have been obvious to one of ordinary skill in the art to add the fraud detection of Baulier to the biometric authentication system of Gilchrist because fraud is a significant financial problem, (Gilchrist Col 1 lines 28-40).

**Claims 9-16, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6167,517 in view of Blonder US 5,708,422.**

As per claims 9-13, and 28-32 Gilchrist does not teach other criteria of authorization if authentication is not required.

Blonder teaches other criteria of authorization using a card transaction including frequency of use, (Col 6 lines 28-37). Blonder teaches a card transaction with restrictions and denying the transaction if the restrictions (frequency of use) are not satisfied, (Col 10 lines 8-20). Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

It would have been obvious to one skilled in the art to add the account restrictions of Blonder to the biometric authentication system of Gilchrist because Blonders system helps prevent financial fraud.

As per claims 14, and 33 Gilchrist teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). Gilchrist does not teach determining an account transaction.

Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

As per claims 15, 16, 34, and 35 Gilchrist teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). Gilchrist does not teach parental control Blonder teaches parental control of a transaction, (Col 5 lines 18-24).

Art Unit: 2134

***Conclusion***

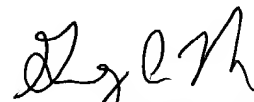
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J Brown

9/16/04



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